

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

EDWARD L. NEWTON,

CV 04-1205-AS

Plaintiff,

ORDER

v.

JO ANNE B. BARNHART,  
Commissioner, Social Security  
Administration,

Defendant.

**MERRILL L. SCHNEIDER**  
Schneider Law Offices  
14415 S.E. Stark Street  
Portland, OR 97233  
(503) 255-9145

Attorney for Plaintiff

**KARIN J. IMMERGUT**  
United States Attorney  
**NEIL EVANS**  
Assistant United States Attorney  
1000 S.W. Third Avenue  
Portland, OR 97204  
(503) 727-1024

**LUCILLE G. MEIS**

Office of the General Counsel

**STEPHANIE R. MARTZ**

Assistant United States Attorney  
701 Fifth Avenue, Suite 2900 M/S 901  
Seattle, WA 98104  
(206) 615-2272

Attorneys for Defendant

**BROWN, Judge.**

Magistrate Judge Donald C. Ashmanskas issued Findings and Recommendation (#12) on June 9, 2005, in which he recommended this Court affirm the Commissioner's decision. Plaintiff filed timely objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also United States v. Bernhardt*, 840 F.2d 1441, 1444 (9<sup>th</sup> Cir. 1988); *McDonnell Douglas Corp. v. Commodore Business Mach., Inc.*, 656 F.2d 1309, 1313 (9<sup>th</sup> Cir. 1981), *cert. denied*, 455 U.S. 920 (1982). This Court has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

**CONCLUSION**

The Court **ADOPTS** Magistrate Judge Ashmanskas's Findings and Recommendation (#12), **AFFIRMS** the Commissioner's decision, and **DISMISSES** this matter **with prejudice**.

IT IS SO ORDERED.

DATED this 23<sup>rd</sup> day of September, 2005.

/s/ Anna J. Brown

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ANNA J. BROWN  
United States District Judge

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